

07/27/01

Express Mail Label No. EL589 56US

07-30-01 A

**UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.

364B

Total Pages in this Submission

52

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application

Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**AN OPTICAL SIGNAL RECEIVER AND METHOD WITH DECISION THRESHOLD ADJUSTMENT BASED ON
A RELATIVE PERCENTAGE ERROR INDICATOR**

and invented by:

MARK CHILDERS, ART MASSARO, JEFFREY WERNER and JOHN ANDERSEN

J1046 U.S. PTO
09/916367

07/27/01

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. Filing fee as calculated and transmitted as described below
2. Specification having 29 pages and including the following:
 - a. Descriptive Title of the Invention
 - b. Cross References to Related Applications (*if applicable*)
 - c. Statement Regarding Federally-sponsored Research/Development (*if applicable*)
 - d. Reference to Microfiche Appendix (*if applicable*)
 - e. Background of the Invention
 - f. Brief Summary of the Invention
 - g. Brief Description of the Drawings (*if drawings filed*)
 - h. Detailed Description
 - i. Claim(s) as Classified Below
 - j. Abstract of the Disclosure

UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
364B

Total Pages in this Submission
52

Application Elements (Continued)

3. Drawing(s) (*when necessary as prescribed by 35 USC 113*)
 - a. Formal Number of Sheets 12
 - b. Informal Number of Sheets _____
4. Oath or Declaration
 - a. Newly executed (*original or copy*) Unexecuted
 - b. Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
 - c. With Power of Attorney Without Power of Attorney
 - d. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. Incorporation By Reference (*usable if Box 4b is checked*)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. Computer Program in Microfiche (*Appendix*)
7. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
 - a. Paper Copy
 - b. Computer Readable Copy (*identical to computer copy*)
 - c. Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. Assignment Papers (*cover sheet & document(s)*)
9. 37 CFR 3.73(B) Statement (*when there is an assignee*)
10. English Translation Document (*if applicable*)
11. Information Disclosure Statement/PTO-1449 Copies of IDS Citations
12. Preliminary Amendment
13. Acknowledgment postcard
14. Certificate of Mailing

First Class Express Mail (*Specify Label No.:*) EL589573156US

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
364B

Total Pages in this Submission
52

Accompanying Application Parts (Continued)

15. Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16. Additional Enclosures (*please identify below*):

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

17. Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
364B

Total Pages in this Submission
52

Fee Calculation and Transmittal

CLAIMS AS FILED					
For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	24	- 20 =	4	x \$18.00	\$72.00
Indep. Claims	2	- 3 =	0	x \$80.00	\$0.00
Multiple Dependent Claims (check if applicable)					\$0.00
				BASIC FEE	\$710.00
OTHER FEE (specify purpose)					\$0.00
				TOTAL FILING FEE	\$782.00

- A check in the amount of _____ to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge and credit Deposit Account No. 50-0308 as described below. A duplicate copy of this sheet is enclosed.
- Charge the amount of \$782.00 as filing fee.
- Credit any overpayment.
- Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).



Signature

Michael R. Cammarata
Reg. No. 39,491
CIENA Corporation
Legal Department
1201 Winterson Road
Linthicum, Maryland 21090
(410) 865-8500

Dated: July 27, 2001

cc:

July 27, 2001

ATTORNEY DOCKET NO. 364B

**Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231**

Re: New U.S. Patent Application
Title: AN OPTICAL SIGNAL RECEIVER AND METHOD WITH DECISION
THRESHOLD ADJUSTMENT BASED ON A RELATIVE
PERCENTAGE ERROR INDICATOR
Inventor: Mark Childers, Arthur P. Massaro, Jr., Jeffrey Werner and John
Kai Andersen

Sir/Madam:

The following papers for filing in the United States Patent and Trademark Office in connection with the above patent application are enclosed.

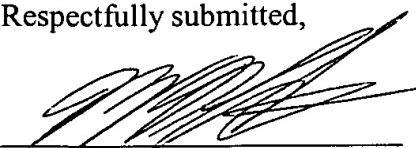
1. Utility Patent Application Transmittal.
2. Application - 29 pages, including title page, 2 independent claims and 24 claims total.
3. Drawings - 12 sheets (12 figures) of formal drawings.
4. Declaration and Power of Attorney.
5. Recordation Form Cover Sheet (in duplicate).
6. Assignment to CIENA Corporation.
7. Authorization to Charge \$782.00 to Deposit Account No. 50-0308.

Please charge the filing fee of \$782.00 and the assignment recordation fee of \$40.00 to our Deposit Account No. 50-0308. Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. Section 1.16 and Section 1.17 at any time during the pendency of this application, or credit any over payment of such fee(s) to our Deposit Account.

Please accord this application a serial number and filing date and record and return the Assignment to the undersigned.

Respectfully submitted,

By:


Michael R. Cammarata
Reg. No. 39,491

CIENA Corporation
Legal Department
1201 Winterson Rd.
Linthicum, MD 21090
Tel.: (410) 865-8500
Fax: (410) 865-8001

PROSECUTORIAL INFORMATION